

IN THE FEDERAL DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

DR. ERNEST CAMPONOVO	:	CIVIL ACTION
Plaintiff	:	
v.	:	
DR. MUNIR UWAYDAH and	:	
PROMETHEUS HEALTHIMAGING, INC.	:	No. 02-CV-3661
Defendants	:	
	:	

ORDER

AND NOW, this day of , 2003, upon the Petition of Lavin, Coleman, O'Neil, Ricci, Finarelli & Gray, to withdraw as counsel for defendants, Dr. Munir Uwaydah and Prometheus Health Imaging, Inc., and all responses thereto, it is hereby ORDERED and DECREED that the Petition is GRANTED and the law firm of Lavin, Coleman, O'Neil, Ricci, Finarelli & Gray is permitted with withdraw as counsel. Defendants have thirty (30) days from the entry of this Order to secure new counsel and the discovery Order entered by the Court on January 23, 2003 is stayed.

BY THE COURT:

J.

IN THE FEDERAL DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

DR. ERNEST CAMPONOVO	:	CIVIL ACTION
Plaintiff	:	
v.	:	
DR. MUNIR UWAYDAH and	:	
PROMETHEUS HEALTHIMAGING, INC.	:	No. 02-CV-3661
Defendants	:	
	:	

**PETITION OF COUNSEL FOR DEFENDANT’S DR. MUNIR UWAYDAH AND
PROMETHEUS HEALTH IMAGING, INC. FOR LEAVE TO WITHDRAW**

The law firm of Lavin, Coleman, O’Neil, Ricci, Finarelli & Gray, through undersigned counsel (hereinafter “Petitioner”), hereby petitions the Court for leave to withdraw as counsel for defendants, Dr. Munir Uwaydah and Prometheus Health Imaging, Inc., (hereinafter Dr. Uwaydah) in the above-captioned matter. In support, Petitioner avers as follows:

1. On or about June 7, 2002, plaintiff filed a Complaint in the United States District Court for the Eastern District of Pennsylvania, seeking to recover from the defendants for breach of contract. (A copy of Plaintiff’s Complaint is attached hereto as Exhibit “A.”)

2. On or about July 9, 2002, Basil A. DiSipio, Esquire and Stephen E. Moore, Esquire entered their appearance on behalf of defendants, Dr. Munir Uwaydah and Prometheus Health Imaging, Inc.

3. Dr. Uwaydah is a radiologist whose last known address was 2800 Nielson Way, unit 1116, Santa Monica, CA 90405, and was President of Prometheus Health Imaging, Inc.

4. Prior to, and simultaneous with Petitioner's representation of Dr. Uwaydah in this case, Petitioner represented Dr. Uwaydah in three other actions in federal and the state courts in Pennsylvania. Petitioner has never been paid in any matter, including the instant one, despite repeated requests for payment.

5. Despite repeated requests that Dr. Uwaydah come to Philadelphia in order to respond to interrogatories, review documents and otherwise prepare a defense, Dr. Uwaydah has not cooperated in this matter.

6. Numerous phone calls to Dr. Uwaydah have not been returned. Dr. Uwaydah has also failed to provide certain contract related documents to the Petitioner.

7. On January 23, 2003, the Court entered an Order compelling Dr. Uwaydah to respond to plaintiff's Interrogatories and Request to Produce within ten (10) days, and make himself available for deposition within twenty days of the entry of the Order. Petitioner promptly faxed the Order to Dr. Uwaydah. Dr. Uwaydah was contacted on his cell phone on January 28, 2003, but has never complied with Petitioner's requests relative to the Order. (A copy of the Court's Order is attached hereto as Exhibit "B.")

8. On February 3, 2003, Petitioner received a returned letter previously forwarded to Dr. Uwaydah. The letter was stamped with the notation "moved left no address unable to forward return to sender." Petitioner is unaware of Dr. Uwaydah's current address. (A copy of the returned envelope is attached as Exhibit C.)

9. Petitioner has not been paid for legal services in any matter for which it has provided representation to Dr. Uwaydah, nor has Dr. Uwaydah actively participated in the defense of the instant matter.

WHEREFORE, Petitioner respectfully requests that the Court grant the instant Petition for Leave to Withdraw and enter the proposed Order accompanying this Petition.

LAVIN, COLEMAN, O'NEIL, RICCI, FINARELLI & GRAY

BY: _____
Basil A. DiSipio, Esquire
Stephen E. Moore, Esquire
Attorneys for Defendants,
Dr. Munir Uwaydah
and Prometheus Health Imaging, Inc.

Dated: February 3, 2003

IN THE FEDERAL DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

DR. ERNEST CAMPONOVO	:	CIVIL ACTION
Plaintiff	:	
v.	:	
DR. MUNIR UWAYDAH and	:	
PROMETHEUS HEALTH IMAGING, INC.	:	No. 02-CV-3661
Defendants	:	
	:	

MEMORANDUM OF LAW IN SUPPORT OF
PETITION OF COUNSEL FOR DEFENDANTS DR. MUNIR UWAYDAH
AND PROMETHEUS HEALTH IMAGING, INC. (DR. UWAYDAH)
FOR LEAVE TO WITHDRAW

Whether to allow counsel to withdraw representation lies within the discretion of the Court.

McCune v. First Judicial District of Pa. Probation Dept., 99 F. Supp. 2d., 565 (2000.)

Beginning in May, 2002, Petitioner has provided representation for Dr. Uwaydah in matters in the United States District Court for the Eastern District of Pennsylvania, as well as local state courts. In every case, including the instant matter, Dr. Uwaydah has failed to pay legal fees and costs despite several requests to do so.

In the instant matter, Petitioner entered its appearance and answered the Complaint on behalf of Dr. Uwaydah on or about July 9, 2002. Despite repeated requests for Dr. Uwaydah to come to Philadelphia for the purposes of responding to outstanding written discovery, reviewing documents, and otherwise preparing for his defense, Dr. Uwaydah, a resident of the State of California, has not complied with Petitioner's requests. Dr. Uwaydah has also failed to provide Petitioner with certain documents relating to Dr. Camponovo's Breach of Contract claim.

On January 23, 2003, the Court entered an Order compelling Dr. Uwaydah to respond to overdue Interrogatories and Request for Production of Documents within ten (10) days and make himself available for deposition within twenty (20) days of the entry of the Order. On January 28, 2003, after the Order was faxed to the Petitioner, it was promptly faxed to Dr. Uwaydah in California. On the same date, Dr. Uwaydah was contacted on his cell phone and advised of the importance of the entry of the Order. Dr. Uwaydah never contacted Petitioner to discuss the Order. Dr. Uwaydah's failure to cooperate in the preparation of his defense has greatly hampered Petitioner's efforts to effectively defend this matter.

Finally, on February 3, 2003, Petitioner received in the mail a letter it has previously forwarded to Dr. Uwaydah on January 22, 2003. The letter was marked "return to sender - moved left no forwarding address." Petitioner is unaware of Dr. Uwaydah's current address.

WHEREFORE, Petitioner, respectfully requests that since past due legal fees have not been paid, notice of withdrawal has been provided to all interested parties, and the client has failed to actively participate in his defense, that its Petition for Leave to Withdraw be granted.

LAVIN, COLEMAN, O'NEIL, RICCI, FINARELLI & GRAY

BY: _____

Basil A. DiSipio, Esquire
 Stephen E. Moore, Esquire
 Attorneys for Defendants,
 Dr. Munir Uwaydah
 and Prometheus Health Imaging, Inc.

Dated: February 3, 2003

CERTIFICATE OF SERVICE

I hereby certify that service of a true and correct copy of the within *Petition of Counsel for Defendant's Dr. Munir Uwaydah and Prometheus Health Imaging, Inc. for Leave to Withdraw* was sent on the date below to counsel of record as follows:

Michael D. Shaffer, Esquire
325 Chestnut Street, Suite 1212
Philadelphia, PA 19106
via regular U.S. Mail

Dr. Munir Uwaydah
Prometheus Health Imaging, Inc.
2800 Nielson Way - Unit 1116
Santa Monica, CA 90405
certified mail, return receipt requested
and via facsimile

LAVIN, COLEMAN, O'NEIL, RICCI, FINARELLI & GRAY

By: _____
Stephen E. Moore, Esquire
Attorney for Defendants,
Dr. Munir Uwaydah
and Prometheus Health Imaging, Inc.

Dated: February 3, 2003